

REMARKS

Claims 1-8 are pending in this application. No amendments to the claims have been made herein.

Claim Rejections Under 35 U.S.C. § 102(e)

Claims 1-8 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. patent no. 6,055,504 to Chou et al. (hereinafter “Chou”). Applicants respectfully traverse this rejection.

Chou discloses a method and system for accommodating electronic commerce in a communication network capacity market wherein a neutral third party preserves anonymity of each of the plurality of entities (i.e., “players”) soliciting communication network capacity. (See Chou, Abstract). Chou is directed to a method and system for selling network communication capacity (i.e., bandwidth available on a communication network) and neither discloses nor suggests the trading of agricultural commodities and taught and claimed by the present application for patent.

Furthermore, Chou does not disclose a method or system wherein buyers and sellers of commodities can directly communicate with each other in an open “level-2” type market, as taught by the present invention. In fact, Chou emphatically teaches away from such a method and system. In particular, Chou states “[w]e have discerned that an important drawback of direct negotiations to buy and sell capacity is the information companies need to inadvertently share or provide to their competitors. Each negotiation (or even interest) to buy or sell capacity gives competitors information about a company’s expectation of traffic in a given segment of the network, which can be used to distort prices.” (Chou, col. 1, lines 23-30).

In contrast to the teaching of Chou, the invention described in the present application for patent discloses an electronic commerce network for trading agricultural commodities that “delivers data in level-2 form, i.e., real-time bid, ask and size data from the universe of buyers and sellers participating in the exchange. Working with level-2 data allows participants to post, buy and sell order much faster than they are currently able to and further allows participants to know where the

market is going in real time. Level-2 data informs participants how many bids and offers are pending, executed and the price range amongst these.” (See published version of present application, pub. no. 2002/0069156 A1, ¶ [0027]).

Claim 1 recites “posting said first multiplicity of seller asks and second multiplicity of buyer bids to the community of buyers and sellers over the communication network in the form of level-2 trading data.” and “executing at least one transaction between a buyer and a seller with respect to a particular agricultural commodity by a buyer’s making an electronic indication on a respective posted seller ask for that particular commodity.” (emphasis added). Thus, claim 1 specifically recites posting “level-2 trading data” to both buyers and sellers and further allows a buyer to make an electronic indication on a respective posted seller ask. In contrast, Chou teaches away from such a direct electronic commerce system and requires an intermediate, neutral third party to control transactions. Therefore, Applicants respectfully submit that Chou cannot anticipate claim 1 of the present application for patent. Accordingly, Applicants respectfully request withdrawal of the rejection of claim 1 as anticipated by Chou.

Similarly, independent claim 4 recites “posting said multiplicity of seller asks and said multiplicity of buyer bids to the community of buyers and sellers over the communication network in the form of level-2 trading data” and “posting the modified buyer bids and seller asks in real-time to the community of buyers and sellers over the communication network in the form of level-2 trading data, as changes are made.” For at least the same reasons discussed above with respect to claim 1, Applicants respectfully submit that Chou cannot anticipate claim 4 of the present application for patent. Accordingly, Applicants respectfully request withdrawal of the rejection of claim 4 as anticipated by Chou.

Independent claim 6 recites a “system for effecting efficient electronic transactions in an agricultural marketplace, comprising: an *agricultural trading platform*, including a *communication network linking a community of participating buyers and sellers of agricultural items*, the trading platform including a server system coupled to user access devices over the communication network” and “a database, the database structured in accordance with a categorical hierarchical structure, the

top-level categories of the database corresponding to top-level market subdivisions comprising the agriculture related marketplace, the database containing a plurality of transaction offer notices for agricultural items organized in accordance with a corresponding one of the plurality of top-level markets.” (emphasis added).

As mentioned above, Chou neither discloses nor suggests a system for trading agricultural commodities. Chou neither discloses nor suggests an “agricultural trading platform” or “top-level categories of the data corresponding to top-level market subdivisions comprising the agriculture related marketplace.” Therefore, Applicants respectfully submit that Chou cannot anticipate claim 6 of the present application for patent. Accordingly, Applicants respectfully request withdrawal of the rejection of claim 6 as anticipated by Chou.

Since dependent claims 2, 3, 5 and 7-8 are dependent on claims 1, 4 and 6, respectively, Applicants respectfully submit that these dependent claims are also not anticipated by Chou for at least the same reasons their respective base claim is not anticipated. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 2, 3, 5 and 7-8 as anticipated by Chou.



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In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 616502000100. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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